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1 UNITED STATES DISTRICT COURT

2 FOR THE EASTERN DISTRICT OF PENNSYLVANIA

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4 NEAL MILER, : CIVIL ACTION No.:  
5 Plaintiff, : 20-6301

6 v. :

7 PO JOSEPH WOLK, ET AL., :  
8 Defendants. :

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10 Friday, December 15, 2023

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11 Videotape deposition of ROBERT MATTOS held  
12 in Philadelphia Pennsylvania at 12:55 p.m., on  
13 the above date, before Tia Pierre, Digital  
14 Reporter and Notary Public.

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<p>1 APPEARANCES 2 3 FLAGLER &amp; ASSOCIATES 4 BY: MICHAEL LEVIN, ESQ. 5 210 Northbrook Drive 6 Suite 280 7 Trevose, Pennsylvania 19053 8 Ph: 215.953.5200 9 Michael@flaglerlaw.com 10 Counsel for Plaintiff 11 (Via Zoom) 12 13 CITY OF PHILADELPHIA - LAW DEPARTMENT 14 BY: DEREK KANE, ESQ. 15 1515 Arch Street 16 17th Floor 17 Philadelphia, Pennsylvania 19102 18 Ph: 215.683.5235 19 Derek.Kane@phila.gov 20 Counsel for Defendant, PO Joseph Wolk 21 (Via Zoom) 22 23 24</p> <p>15 -----</p>	<p>Page 2</p>	<p>1 - - - 2 PROCEEDINGS 3 - - - 4 THE REPORTER: Okay, we are now on 5 the record. It is Friday, December 15, 6 2023. The time is 12:55 p.m. Good 7 afternoon, my name is Tia Pierre. I am the 8 remote online notary and court reporter 9 assigned by Lexitas. I request all parties 10 stipulate and agree that by videoconference 11 technology, this will be the remote 12 deposition of Robert Mattos in the case of 13 Neal Miller as the plaintiff and parole 14 officer Joseph Wolk et al, as the defendant. 15 This case number is 206301.</p> <p>16 Before going on the record, the 17 witness positively identified themselves to 18 me as Robert Mattos by presenting a driver's 19 license issued by the state of Florida. And 20 the witness is currently located, I'm sorry, 21 the state of Pennsylvania. And the witness 22 is currently located in Philadelphia, 23 Pennsylvania. Counsels, will you please 24 state your appearance for the record, your</p>
<p>1 INDEX 2 WITNESS: ROBERT MATTOS 3 EXAMINATION 4 PAGE 5 By MR. KANE 6, 36 6 By MR. LEVIN 22, 45 7 8 EXHIBITS 9 10 (None marked.) 11 12 13 14 15 16 17 18 19 20 21 22 23 24</p>	<p>Page 3</p>	<p>Page 5</p> <p>1 firm, who you represent, and that you agree 2 to stipulate that I may place this witness 3 under oath and report this proceeding 4 remotely.</p> <p>5 MR. LEVIN: Michael Levin, Flager 6 and Associates, representing Plaintiffs, 7 Neil and Donna Miller as administrators of 8 the estate of Ryan Miller, deceased. And I 9 agree to the video and Zoom recording of 10 this deposition.</p> <p>11 MR. KANE: This is Derek Kane on 12 behalf of Police Officer Wolk. And yes, we 13 consent to the remote deposition Ms. Pierre. 14 Thank you.</p> <p>15 THE REPORTER: Thank you. I will 16 now swear in the witness. Sir, if you don't 17 mind, can you please raise your right hand 18 for me? Do you swear or affirm that the 19 testimony you'll give today will be the 20 truth, the whole truth, and nothing but the 21 truth?</p> <p>22 THE WITNESS: Absolutely, yes. 23 ROBERT MATTOS, after having been 24 first duly sworn, was examined and testified</p>

<p style="text-align: right;">Page 6</p> <p>1       as follows:</p> <p>2                 THE REPORTER: Thank you.</p> <p>3                 Counselor, you may begin with questioning.</p> <p>4                 - - -</p> <p>5                 EXAMINATION</p> <p>6                 - - -</p> <p>7   BY MR. KANE:</p> <p>8         Q. Excellent. Good afternoon, Mr. Mattos.</p> <p>9         A. Hello.</p> <p>10        Q. I'm going to give you some of those</p> <p>11        same instructions just one more time, just to</p> <p>12        ensure that you're as comfortable as possible,</p> <p>13        you understand what's going on, all right?</p> <p>14        A. Yes.</p> <p>15        Q. To confirm you are not a defendant in</p> <p>16        this case, we believe that you were a witness to</p> <p>17        some of the events that form our litigation,</p> <p>18        okay?</p> <p>19        A. Yes.</p> <p>20        Q. Even though you're not a defendant, if</p> <p>21        you wanted to, you could have an attorney</p> <p>22        present. It's my understanding that you do not</p> <p>23        have an attorney with you, is that correct, Mr.</p> <p>24        Mattos?</p>	<p style="text-align: right;">Page 8</p> <p>1       during this deposition, Mr. Mattos. Those</p> <p>2       objections are typically to what's called the</p> <p>3       form of the question. You can still answer those</p> <p>4       questions if you hear that objection, okay?</p> <p>5       A. Okay.</p> <p>6       Q. Ms. Pierre mentioned something that's</p> <p>7       very important, which is that only one of us can</p> <p>8       speak at a time. That seems like a pretty easy</p> <p>9       instruction, but the way conversations typically</p> <p>10       work is the person who's asking a question.</p> <p>11       Sorry. The person answering a question typically</p> <p>12       knows what's being asked to them before they're</p> <p>13       done.</p> <p>14       I'm going to ask you just for the</p> <p>15       purposes of today, let me finish that question,</p> <p>16       or let Mr. Levin finish the question before you</p> <p>17       answer it, just to ensure that whatever your</p> <p>18       answer is, we can see that full question when</p> <p>19       it's in the future, all right?</p> <p>20       A. Okay.</p> <p>21       Q. If you don't know an answer, you can</p> <p>22       say, I don't know. You can say, I don't</p> <p>23       remember. As long as those are the truthful,</p> <p>24       correct answers, that's completely fine. Please</p>
<p style="text-align: right;">Page 7</p> <p>1       A. No, I don't.</p> <p>2       Q. And are you fine proceeding today,</p> <p>3       answering our questions without having an</p> <p>4       attorney?</p> <p>5       A. Yes.</p> <p>6       Q. Just so you understand, this process,</p> <p>7       generally, even though we're doing this via Zoom,</p> <p>8       there is no video that's going to be created</p> <p>9       here. It's just going to be a transcript of what</p> <p>10       your answers are, what my questions are, what Mr.</p> <p>11       Levin's questions are, all right?</p> <p>12       A. Yes.</p> <p>13       Q. Before Mr. Levin joined, I explained to</p> <p>14       you the fact that you have that option of reading</p> <p>15       and signing at some point in the future or just</p> <p>16       kind of agreeing to the transcript that Ms.</p> <p>17       Pierre produces. Do you have a response as to</p> <p>18       whether or not you want to read and sign, or</p> <p>19       whether or not you're fine with Ms. Pierre's</p> <p>20       product?</p> <p>21       A. No, I'm fine with it.</p> <p>22       Q. Okay, so you waive, read and sign?</p> <p>23       A. Yes.</p> <p>24       Q. Okay. You may hear some objections</p>	<p style="text-align: right;">Page 9</p> <p>1       don't guess. Just give us the best answer that</p> <p>2       you have that you recall. All your answers have</p> <p>3       to be verbal. So when we do get to that question</p> <p>4       stage, you can't sort of nod your head or shrug</p> <p>5       your shoulders. And if you do so, I'll just</p> <p>6       remind you, I'll go Mr. Mattos, you know, is that</p> <p>7       a yes or is that a no? Not a big deal.</p> <p>8       But just to let you know, that's why</p> <p>9       I'm going to do that. As Ms. Pierre said, you</p> <p>10       can take a break at any time. If you need a</p> <p>11       glass of water, if you need to go to the</p> <p>12       bathroom, just let us know. You're the star of</p> <p>13       the show. We're lucky to have you answering</p> <p>14       these questions. So if any point you want to</p> <p>15       take that break, just let us know. Is there any</p> <p>16       reason today that you can't give full and</p> <p>17       truthful testimony?</p> <p>18       A. No, sir.</p> <p>19       Q. Is it your understanding that we are</p> <p>20       here to talk about what you remember about an</p> <p>21       incident that occurred on May 7, 2019?</p> <p>22       A. I believe that's the date, yes.</p> <p>23       Q. I believe you spoke with an</p> <p>24       investigator sometime after that incident. Do</p>

<p style="text-align: right;">Page 10</p> <p>1 you remember that?</p> <p>2 A. Yes, sir.</p> <p>3 Q. Okay. Do you still have an independent</p> <p>4 recollection of any of the events that happened</p> <p>5 that day?</p> <p>6 A. Independent as in?</p> <p>7 Q. Like, without looking at a record, you</p> <p>8 just kind of remember something about that day?</p> <p>9 A. Yes.</p> <p>10 Q. Okay. One of the first things I'm</p> <p>11 going to do, Mr. Mattos, is just bring up those</p> <p>12 questions and answers you did with the</p> <p>13 investigator. Quickly go through them, make sure</p> <p>14 you agree with them, and then I'll probably have</p> <p>15 some follow up questions, and then I'll pass it</p> <p>16 over to Mr. Levin. All right?</p> <p>17 A. Okay.</p> <p>18 Q. I'm going to bring up those questions</p> <p>19 now, for the record, they are Defense Bates</p> <p>20 numbers 14 to 16, and it is the statement of</p> <p>21 Robert Mattos to Lieutenant James Cloth.</p> <p>22 THE REPORTER: Just for the</p> <p>23 record, Counsel, was those already</p> <p>24 previously marked exhibits?</p>	<p style="text-align: right;">Page 12</p> <p>1 All right, the fourth question, I think</p> <p>2 I might just highlight it for you. It says, on</p> <p>3 May 7, 2019, did you see a motorcycle being</p> <p>4 chased by a Philadelphia police vehicle? And you</p> <p>5 answered yes. Is that correct?</p> <p>6 A. Yes, sir.</p> <p>7 Q. And you would agree with your answer to</p> <p>8 that question?</p> <p>9 A. It was technically not a full size</p> <p>10 motorcycle, but yes.</p> <p>11 Q. Right. How would you describe what</p> <p>12 that vehicle was, if you can?</p> <p>13 A. it was more of a scooter type vehicle.</p> <p>14 Q. Right. Do you remember what color it</p> <p>15 was?</p> <p>16 A. I believe it was blue. I believe.</p> <p>17 Q. Okay. I'm going to go your next</p> <p>18 question and answer. I'm going to bring it to</p> <p>19 you, and I'm just going to ask you to confirm</p> <p>20 that if you still believe that is correct. So</p> <p>21 the question was, can you please tell me what you</p> <p>22 witnessed in the area of 5300 Edom street on May</p> <p>23 7, 2019, at approximately 7:20 to 7:25 p.m. And</p> <p>24 now I'm going to read your answer.</p>
<p style="text-align: right;">Page 11</p> <p>1 MR. KANE: Yes, that is correct.</p> <p>2 These are previously marked exhibits.</p> <p>3 Defense Bates numbers 14 to 16.</p> <p>4 BY MR. KANE:</p> <p>5 Q. Mr. Mattos, are you able to see a</p> <p>6 record on your screen right now?</p> <p>7 A. Yes, sir.</p> <p>8 Q. Okay. Would you agree with me that it</p> <p>9 said statement of Robert Mattos, 53?</p> <p>10 A. Yes, sir.</p> <p>11 Q. Okay. Below that is an address, 5343.</p> <p>12 Is that your current address?</p> <p>13 A. Yes, sir.</p> <p>14 Q. Okay. And was that the address that</p> <p>15 you had in May of 2019?</p> <p>16 A. Yes, sir.</p> <p>17 Q. Okay. And it does say you were</p> <p>18 interviewed by Lieutenant James Cloth. Do you</p> <p>19 remember him at all?</p> <p>20 A. I remember speaking to someone, not</p> <p>21 especially the name.</p> <p>22 Q. Got it. All right. I'm going to</p> <p>23 quickly just take a look at some of those</p> <p>24 questions. Mr. Mattos.</p>	<p style="text-align: right;">Page 13</p> <p>1 You said, "I was outside of my house</p> <p>2 putting windshield washer fluid in my car, and I</p> <p>3 saw the motorcycle being chased by a police SUV.</p> <p>4 It was heading southbound on Edom street. They</p> <p>5 almost stopped. The kid slowed down, and the</p> <p>6 police SUV was trying to get his front end in</p> <p>7 front of him. The kid on the motorcycle went</p> <p>8 over the sidewalk into the driveway, over the</p> <p>9 grassy island at the storage place. The</p> <p>10 motorcycle went eastbound down Kennedy to James</p> <p>11 towards 95. The police officer made a U-turn and</p> <p>12 went after him. The officer went northbound on</p> <p>13 Edom street and eastbound on Kennedy Street. I</p> <p>14 lost sight of them at that time." Did I read</p> <p>15 that correctly, Mr. Mattos?</p> <p>16 A. Yes, sir.</p> <p>17 Q. Okay. And would you agree that that is</p> <p>18 a truthful, correct answer to that question?</p> <p>19 A. Yes, sir.</p> <p>20 Q. Okay. You wouldn't change anything</p> <p>21 about that question now? Your answer sorry. Now.</p> <p>22 A. No, sir.</p> <p>23 Q. That answer continued a little bit more</p> <p>24 going on to the next page, which is bates number</p>

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1 15. Defense bates number 15. Your further  
 2 answer was about two minutes later, I heard the  
 3 motorcycle coming. I looked up and saw the  
 4 motorcycle being chased by a silver car. It had  
 5 to be about 10 seconds later, the police SUV  
 6 passed by. It was the motorcycle, the silver  
 7 car. A gap in time, about 10 seconds, the police  
 8 SUV went by. They all went through the stop sign  
 9 at Kennedy street and turned right onto Frailey  
 10 towards State Road. Did I read that correctly?

11       A. Yes, sir.

12       Q. And do you still believe that that is  
 13 your truthful and best answer to that question?

14       A. Yes.

15       Q. I'm just going to quickly read through  
 16 these questions, and at the end I'll ask you if  
 17 they're still correct. "Do you recall the number  
 18 on the police vehicle?" You answered, "No."  
 19 "Have you ever seen a silver car or it's operator  
 20 before?" You answered, "No." "Did the police  
 21 vehicle have its overhead red blue lights and or  
 22 audible siren activated anytime that you saw?"  
 23 You answered, "No." "How many times did you see  
 24 the motorcycle and police vehicle pass 5300 Edom

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1 they were moving, who are you referring to?" You  
 2 answered, "The motorcycle, the silver car, then  
 3 the police SUV." And the final question on this  
 4 page. "When you saw the motorcycle the second  
 5 time travel northbound on Edom street, how far  
 6 behind the motorcycle was the silver vehicle?"  
 7 "Roughly 45 feet, it was about three houses."  
 8 All those questions and your answers to them. Do  
 9 you still believe those answers to be the correct  
 10 answers to those questions, Mr. Mattos, to the  
 11 best of your ability?

12       A. Yes, sir.

13       Q. All right, moving on to the last page,  
 14 which is Defense Bates number 16. Question,  
 15 "When you saw the motorcycle the second time,  
 16 travel northbound on Edom street. How far behind  
 17 the motorcycle was the police vehicle?" Answer,  
 18 "At least 150 to 160 feet. I thought that the  
 19 police SUV gave up on the chase and let the  
 20 silver car take the chase. I figured that maybe  
 21 the silver car was chasing the motorcycle because  
 22 it was faster and the police car was an SUV. The  
 23 silver car was aggressive, like he was a police  
 24 officer." Your answer to that question, Mr.

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1 street where you were at?" You answered,  
 2 "Twice." "Did the silver vehicle have any red  
 3 blue lights on and or siren?" You answered,  
 4 "No." "Was the silver vehicle beeping its horn  
 5 or flashing its headlights?" You answered, "No."  
 6 To the best of your recollection, Mr. Mattos, all  
 7 those answers are correct?

8       A. Yes.

9       Q. Okay, I'm going to skip down and do  
 10 that process one more time. Question, "When you  
 11 saw the motorcycle the second time travel  
 12 northbound on Edom Street, was it being pursued  
 13 by another vehicle?" Answer, "Yes, the silver  
 14 car." "Did the operator of the motorcycle say  
 15 anything to the police officer or the driver of  
 16 the silver vehicle as they passed you?" You  
 17 answered, "No." "When you saw the motorcycle the  
 18 second time travel north bound on Edom street,  
 19 how fast would you estimate it was traveling?"  
 20 You answered, "I would say 35 to 40, they were  
 21 moving." And just to clarify, you mean to say 35  
 22 to 40 mph, Mr. Mattos?

23       A. Yes, sir.

24       Q. And the next question, "When you say

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1 Mattos, is that still your best answer to that  
 2 question?

3       A. Yes, sir.

4       Q. And I'm just going to do the rest of  
 5 the questions now. "How fast would you estimate  
 6 the silver vehicle was traveling as it passed you  
 7 while it was following the motorcycle?" Answer,  
 8 "About the same speed as the motorcycle. They  
 9 appeared to speed up as they got past Kennedy. I  
 10 heard an engine speed up. I could not tell whose  
 11 engine it was." Question, "How fast would you  
 12 estimate the police vehicle was traveling when it  
 13 passed you northbound on Edom street?" "He was  
 14 slower than the other two. He seemed to have  
 15 sped up a little when he passed Kennedy."

16 Question, "Did you see any actual contact between  
 17 the motorcycle and the police vehicle?" Answer,  
 18 "No." Question, "Did you see any contact between  
 19 the police vehicle and the motorcycle operator at  
 20 -- street and Edom street?" You answered, "No."  
 21 "Did all three vehicles completely disregard the  
 22 stop sign at Kennedy street and Edom street?"  
 23 You answered, "Yes." And then you were asked,  
 24 "Do you have anything else you'd like to add to

<p style="text-align: right;">Page 18</p> <p>1 this interview or information that will be 2 helpful in this investigation?" You answered, 3 "No." The rest of those questions and answers 4 Mr. Mattos, do you still believe that your 5 answers to all those questions are truthful and 6 correct to the best of your knowledge?</p> <p>7 A. Yes.</p> <p>8 Q. Okay. And just to be clear, that last 9 question, "Do you have anything else you'd like 10 to add to this interview or information that will 11 be helpful in this investigation?" You answered, 12 "No." Sitting here today having sort of seeing 13 all those questions and answers again. Is there 14 anything else that you would add now with the 15 benefit of hindsight or anything like that?</p> <p>16 A. No, sir.</p> <p>17 Q. Okay. I have a couple more quick 18 follow-up questions going to that top question 19 and answer which I believe I've highlighted. Is 20 that highlighted for your screen, Mr. Mattos?</p> <p>21 A. Yes, sir.</p> <p>22 Q. Okay. You were asked, "When you saw 23 the motorcycle the second time travel northbound 24 on Edom street, how far behind the motorcycle was</p>	<p style="text-align: right;">Page 20</p> <p>1 that correct?</p> <p>2 A. Yes, sir.</p> <p>3 Q. Okay. This question here, it asks, did 4 you see any contact between the motorcycle and 5 the police vehicle? You answered, no. Just to 6 clarify that, would I be correct in saying that 7 at no point in time that day did you see the 8 police SUV physically contact that motorcycle, or 9 scooter, as you called it?</p> <p>10 A. No, I didn't.</p> <p>11 Q. Okay. You never saw the police SUV 12 touch the scooter, is that correct?</p> <p>13 A. No, but he did kind of cut him out, but 14 I didn't see the actual touch. No.</p> <p>15 Q. Got it. And when you say he cut him 16 out, can you explain that a little bit more for 17 us, Mr. Mattos?</p> <p>18 A. The motorcycle appeared to be slowing 19 down to stop, and then the police SUV pulled up 20 and kind of cut over towards him, and the 21 motorcycle like wobbled, and then the driver took 22 off again.</p> <p>23 Q. And what intersection was that? If you 24 remember that you saw that.</p>
<p style="text-align: right;">Page 19</p> <p>1 the police car?" Police vehicle, I apologize. 2 You answered, "At least 150 to 160 feet. I 3 thought the police SUV gave up on the chase and 4 let the silver car take the chase." Can you talk 5 a little bit more, if possible, as to why you 6 believe at that point that the police SUV had 7 given up on the chase?</p> <p>8 A. Because the motorcycle and the silver 9 car passed me a lot, I mean, long time before the 10 SUV, there was a big gap in time there.</p> <p>11 Q. Right.</p> <p>12 A. Not huge, but there was a gap in time.</p> <p>13 Q. Got it. Other than that gap in time 14 between when the motorcycle and the silver car 15 passed, and then when the police SUV passed. 16 Other than that gap of time, any other reason as 17 to why you thought the police SUV gave up on the 18 chase?</p> <p>19 A. Not really, just the time.</p> <p>20 Q. Got it.</p> <p>21 A. Time difference. He wasn't right on 22 the silver car's tail.</p> <p>23 Q. Got it. There was some kind of time 24 gap between the police SUV and the silver car, is</p>	<p style="text-align: right;">Page 21</p> <p>1 A. That was more towards Kennedy and Edom.</p> <p>2 Q. Got it. I'm going to stop sharing 3 this. Just a couple more questions for me, Mr. 4 Mattos. The young man driving that scooter, he 5 had the name Ryan Miller. Did you ever have any 6 knowledge of Mr. Miller or any of his family, 7 either before or after the day at issue?</p> <p>8 A. No, sir. They had a memorial service, 9 and I went up there. I really didn't talk to 10 anyone.</p> <p>11 Q. But that was sort of your first time 12 ever, maybe seeing his family, for instance?</p> <p>13 A. Yes, sir.</p> <p>14 Q. Okay. The officer driving the SUV, 15 that was an Officer Joseph Wolk. Are you aware 16 of him at all, for any reason?</p> <p>17 A. No, sir.</p> <p>18 Q. Okay. And it's understood that the man 19 driving the silver vehicle was a Gary Bove. Do 20 you know who Gary Bove is at all?</p> <p>21 A. No, sir.</p> <p>22 Q. Okay.</p> <p>23 MR. KANE: That's all my 24 questions, Mr. Mattos, I really appreciate</p>

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1 your time. Mr. Levin is going to have some  
2 follow ups, I believe. All right.

3 THE WITNESS: Yes, thank you.

4 - - -  
5 EXAMINATION  
6 - - -

7 BY MR. LEVIN:

8 Q. Hi, Mr. Mattos. Again, it's Michael  
9 Levin, I'm representing the Miller family in  
10 this. Can you hear me okay?

11 A. Yes, sir.

12 Q. All right. Now, going back to the  
13 first time you saw the pursuit, which is just the  
14 motor scooter and then the police SUV. Where  
15 were you standing when you first saw those  
16 vehicles?

17 A. I was in front of my house facing  
18 northbound. The direction they came down.

19 Q. Okay. And you're on Edom street across  
20 from the, there's a parking lot across the  
21 street, correct?

22 A. Yes, sir.

23 Q. All right. And am I correct the first  
24 time you saw those vehicles, they were coming

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1 trying to pull over on the side of the road, and  
2 then the police vehicle pulled up next to him.  
3 His motorcycle wobbled, and I guess he got scared  
4 of that and took off.

5 Q. Okay. And my understanding is what  
6 happened there is the police SUV pulls off to the  
7 left side of the motor scooter, correct?

8 A. Yes.

9 Q. Okay, so it's off to the left. Do you  
10 know if the SUV was in like basically the wrong  
11 lane of travel when it did that?

12 A. Yes, because it is like a two way  
13 street.

14 Q. Rig[ht].

15 A. No, he was on, yeah he was on the right  
16 side. I'm trying, I'm looking at my way of  
17 looking at him. So, no. If he's coming down, he  
18 was on the right side, but he was to the left  
19 side of Ryan at the curb.

20 Q. Okay, and --

21 A. That is his name? Ryan?

22 Q. Yes, yes.

23 A. Okay.

24 Q. So look, from your perspective, did it

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1 from the direction of Fraley street and heading.  
2 They kept on going towards, like Scattergood?

3 A. Yes, sir.

4 Q. All right. Now, at the time when you  
5 first saw this, where did you first sort of pick  
6 up sight of those vehicles? Where were they?

7 A. They were about, I'm trying to think of  
8 the name of the streets down there, because I  
9 rarely go down there, like Simon street.

10 Q. Okay. Did you see either one or both  
11 of those vehicles turn from Simon or whatever  
12 street onto Edom street?

13 A. No, I saw. I didn't know what actual  
14 area they came from. I just saw around that area  
15 on Edom at Simon, roughly coming towards me.

16 Q. Okay. The boy, Ryan Miller, who was on  
17 the scooter, was he wearing a helmet or anything?

18 A. No, sir.

19 Q. As he was approaching you, being  
20 pursued by the police officer, could you make out  
21 anything about his state of mind? Did he seem  
22 like he was laughing, like he was scared?  
23 Anything that you could perceive?

24 A. To me, he seemed like he was scared

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1 seem like the SUV was trying to get a little bit  
2 ahead of the scooter at that point in time?

3 A. Yes.

4 Q. And then the SUV sort of makes a  
5 maneuver to the right, correct?

6 A. Yes.

7 Q. Did that sort of force the boy, Ryan,  
8 into the parking lot where the self-storage is?

9 A. Not the parking lot, but towards the  
10 curb.

11 Q. Okay. He went over the curb there?

12 A. Yes.

13 Q. And my understanding from the video I  
14 saw, he sort of goes through that parking lot and  
15 goes around heading the other way down Edom at  
16 that point, right?

17 A. Yes, sir.

18 Q. Which the police SUV had to back out  
19 and make a U-turn in order to pursue at that  
20 point, right?

21 A. Yes.

22 Q. Now, did it seem that the SUV, when it  
23 made that sharp maneuver to the right, where Ryan  
24 ends up going into the parking lot of the self-

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1 storage, did that seem to be in close proximity  
 2 to the motor scooter, did he pull that maneuver,  
 3 like, very close?

4 A. Yes.

5 Q. Did it appear to you that Ryan had to  
 6 do anything to avoid contact with the SUV when  
 7 that maneuver was attempted?

8 A. Yes, he went up on the curb.

9 Q. Okay. If he had not done that, do you  
 10 have any belief as to whether there would have  
 11 been contact between the vehicles at that point?

12 MR. KANE: Object to form, you can  
 13 answer, Mr. Mattos.

14 A. Yes.

15 BY MR. LEVIN:

16 Q. You think there would have been some  
 17 contact?

18 A. Yes.

19 Q. So then when Ryan goes the other way  
 20 down Edom basically back the way he came with the  
 21 SUV in pursuit. It's your testimony they both  
 22 made a right down Kennedy street, right?

23 A. Yes, sir.

24 Q. Okay. And have you lived in that house

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1 show it to you. There was sort of like a  
 2 situation where the police SUV pulled out ahead  
 3 of the motor scooter. Police officer got out in  
 4 an attempt to apprehend Ryan, and that's when  
 5 Ryan sort of pulled onto Edom street. Did you  
 6 see any of that sequence of events?

7 A. No, sir. Because I hate to add into  
 8 this, but my son was in the parking lot bringing  
 9 his car out, and I was worried about him pulling  
 10 out into a chase.

11 Q. Okay. All right, so you didn't see any  
 12 kind of that altercation? I just described that  
 13 Scattergood and Edom, you didn't see any of that,  
 14 right?

15 A. No, sir.

16 Q. When you first picked up sight of the  
 17 vehicles again coming northbound on Edom. Well,  
 18 first off, where was the motor scooter since that  
 19 was in front of everybody?

20 A. When I heard them coming back the other  
 21 way from Scattergood, they were about four houses  
 22 down.

23 Q. Okay, so pretty close to you at that  
 24 point?

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1 for a good period of time?

2 A. Yes, sir.

3 Q. How long?

4 A. Since 2001.

5 Q. Okay. So when you say they went down  
 6 Kennedy street, there's no question in your mind  
 7 they went down Kennedy as opposed to -- correct?

8 A. I do know. Yes, it was Kennedy.

9 Q. All right.

10 A. Because that's where the storage  
 11 parking lot begins, and he went through the  
 12 parking lot straight down the street.

13 Q. All right. So the next time they come  
 14 by you, it's sort of coming from the other side,  
 15 right? From the direction of Scattergood?

16 A. Yes, sir.

17 Q. And they're heading. That would be  
 18 northbound on Edom.

19 A. Northbound.

20 Q. Right. Now, did you see either the  
 21 motor scooter or the police SUV turn onto Edom  
 22 when they were coming from that direction?

23 A. No, sir.

24 Q. From video that we've seen, I could

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1 A. Yes.

2 Q. Okay. And at that point, there's a  
 3 passenger car that's pursuing Ryan more closely  
 4 than the SUV, right?

5 A. Yes, sir.

6 Q. And it seems you that vehicle was  
 7 pursuing Ryan aggressively, right?

8 A. Yes, sir.

9 Q. Did you at the time think that that was  
 10 a police officer in that vehicle?

11 A. Yes, sir, I did. And I feel bad for, I  
 12 wanted to throw something at the kid on the bike,  
 13 because the way he was, it seemed like they were  
 14 chasing him. I thought he'd broken the law  
 15 really bad. And I thought if I would have thrown  
 16 something, I would have maybe hurt him and he  
 17 would have got hurt on the motorcycle. But, in  
 18 hindsight, maybe I should have because we would  
 19 have stopped. I don't.

20 Q. Well, listen, you can't put yourself in  
 21 the narrative and do would have, could have,  
 22 should have. We're really only to find out what  
 23 you saw. Please don't blame yourself for  
 24 anything, obviously. I understand this is an

Page 30

1 upsetting thing. Let me, if I can. Not so great  
 2 as a zoom thing, but I'm going to try and share  
 3 my screen. Bear with me. Okay. I am going to  
 4 represent you, this is video that was sent to me  
 5 by the city. And I have a shorter clip of this.  
 6 Can you see the video I have up?

7 A. Yes, sir.

8 Q. Right now it's not playing, but.

9 MR. KANE: Michael, I apologize.  
 10 Do you have a better, I'm looking at the  
 name. It's not really jogging my memory.  
 11 Do you have a better name for this file?

12 MR. LEVIN: This is the, yeah,  
 13 hold on. Bear with me one second.

14 MR. KANE: Okay. It's from a  
 15 folder --

16 MR. LEVIN: 5343, yeah.

17 MR. KANE: Just for the record, if  
 18 you go back to that, Michael, and I'll just  
 19 put it on the record.

20 MR. LEVIN: Sure. Bear with me.

21 MR. KANE: For the record, the  
 22 video being shown now is from a folder  
 23 entitled 5343 Edom.

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1 A. No, sir.  
 2 Q. Okay, I see that you have, it looks  
 3 like you have your hood popped open.  
 4 A. And you'll see me look, because I hear  
 5 the car, the SUV coming quick. You'll see me  
 6 look down the street. Right there.

7 Q. There you go.

8 A. And now I'm worried about my son  
 9 pulling out into a chase, out of the parking lot.

10 Q. Okay, and what we just saw here, around  
 11 5 minutes and 23 seconds into the video, was Ryan  
 12 being followed by the silver car, and then a  
 13 couple of seconds later by the police SUV,  
 14 correct?

15 A. Yes, sir.

16 Q. Okay. And they were heading off  
 17 towards Fraley, and that's the last time you saw  
 18 those, right?

19 A. Yes, sir.

20 Q. Hold on. Let me get back into. There  
 21 we go. Now, from that point forward, did you  
 22 hear anything that led you to believe anything  
 23 that had happened, after the three vehicles went  
 24 down towards Fraley and turned on to Fraley?

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1 MR. LEVIN: Yes.

2 MR. KANE: And it's a video file.  
 3 And let's put for the record just how long  
 4 it is. Just so that'll kind of doubly  
 5 confirm.

6 MR. LEVIN: Yeah, well, all I have  
 7 is the file size. I don't know. This isn't  
 8 showing the total runtime.

9 MR. KANE: Okay.

10 BY MR. LEVIN:

11 Q. I'm not going to spend too much time on  
 12 this video, but just want to fast forward to, we  
 13 can see some people. All right, first off, we  
 14 see somebody, and it looks like a salmon colored  
 15 t-shirt walking across the street. Is that you?

16 A. Yes, sir.

17 Q. All right.

18 A. And that's my son in the car that I  
 19 just left.

20 Q. Okay, so he's in the Maxima across the  
 21 street in the parking lot?

22 A. Yes, sir.

23 Q. All right. Now, at that point in time,  
 24 had the vehicles passed by the first time?

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1 A. No. I had to take my daughter out, so  
 2 I got in my car and I left. And then I got a  
 3 phone call saying that somebody had been hit.  
 4 Q. Okay. Where were you taking your  
 5 daughter out? I don't want to get too intrusive,  
 6 but was it a short trip?

7 A. Yes, I believe it was cheerleading.

8 Q. Okay. And when you got back to your  
 9 residence, was there anything still going on in  
 10 the area, any traffic investigation, what was  
 11 happening then?

12 A. Yes, the police were set up around the  
 13 corner with a sheet over the body.

14 Q. That was still present when you came  
 15 back?

16 A. Yes.

17 Q. Was there also a tractor trailer, like,  
 18 right near there at the scene?

19 A. I personally did not go down. They  
 20 told me, and I just.

21 Q. How did you end up sort of getting back  
 22 to your house? There's sort of limited access to  
 23 that area back there.

24 A. No, I came in from Bridge street at

<p style="text-align: right;">Page 34</p> <p>1 Scattergood, that area.</p> <p>2 Q. Okay.</p> <p>3 A. And it's the other end where the</p> <p>4 accident occurred.</p> <p>5 Q. Okay. And I believe that whether it</p> <p>6 was that evening or very shortly thereafter. You</p> <p>7 had given a statement to police, I think a</p> <p>8 written statement initially, right?</p> <p>9 A. I went up to Dungan Road and spoke with</p> <p>10 -- I forget the officer's name.</p> <p>11 Q. That was internal affairs, right?</p> <p>12 A. Yes.</p> <p>13 Q. Okay. And I believe that's the</p> <p>14 interview that Mr. Kane had just gone through</p> <p>15 with you. Had anybody contacted you within the</p> <p>16 first day or two after this incident played out</p> <p>17 to take a statement or ask if you had any</p> <p>18 security video, anything like that?</p> <p>19 A. Yes, they did come out, and I said they</p> <p>20 could have access to my camera. And then they</p> <p>21 sent the gentleman out, an officer out, to pull</p> <p>22 the file.</p> <p>23 Q. Okay. That video, by the way, that we</p> <p>24 just saw, it was marked 5343 Edom, was that your</p>	<p style="text-align: right;">Page 36</p> <p>1 how he took over what I thought was the chase,</p> <p>2 and he said, no, he's not a police officer.</p> <p>3 Q. Now, if you had to characterize the way</p> <p>4 that the police officer in the police SUV</p> <p>5 conducted the pursuit of this individual, what</p> <p>6 was your impression about how he was going after</p> <p>7 him?</p> <p>8 A. The first part that I saw, I thought it</p> <p>9 was aggressive, but he just kind of pushed him</p> <p>10 towards the curb, and the kid on the bike got</p> <p>11 away. The second part of it, I thought he was</p> <p>12 more laid back, and I thought he was watching</p> <p>13 this silver car. What I thought, being a police</p> <p>14 officer chasing the kid.</p> <p>15 Q. All right.</p> <p>16 MR. LEVIN: I don't think I have</p> <p>17 any further questions. Thank you, Mr.</p> <p>18 Mattos.</p> <p>19 THE WITNESS: You're welcome.</p> <p>20 - - -</p> <p>21 EXAMINATION</p> <p>22 - - -</p> <p>23 BY MR. KANE:</p> <p>24 Q. A couple of very quick follow ups.</p>
<p style="text-align: right;">Page 35</p> <p>1 camera?</p> <p>2 A. Yes, sir.</p> <p>3 Q. Okay, so the area that we're seeing,</p> <p>4 that's literally directly in front of your house.</p> <p>5 A. Yes, sir.</p> <p>6 Q. I certainly don't want to trigger</p> <p>7 anything or make you feel bad, but it seems that</p> <p>8 you have some emotions surrounding this whole</p> <p>9 thing. So since you're here, I certainly want to</p> <p>10 give you an opportunity to sort of express</p> <p>11 however you feel about what you saw that day and</p> <p>12 what you think.</p> <p>13 A. Personally, if it was only for riding</p> <p>14 that motorized vehicle, the way they were chased,</p> <p>15 he was being chased just seemed extreme.</p> <p>16 Q. Did it seem like they were going after</p> <p>17 him aggressively?</p> <p>18 A. Yes.</p> <p>19 Q. Did you ever find out after the fact</p> <p>20 that the person in the silver par wasn't even a</p> <p>21 police officer?</p> <p>22 A. Yes, the officer who took my, the film,</p> <p>23 the camera notified me that he said, he's not a</p> <p>24 police officer, because I was explaining to him</p>	<p style="text-align: right;">Page 37</p> <p>1 Mr. Mattos, just generally, what is your</p> <p>2 professional background?</p> <p>3 A. I was a production supervisor for Sun</p> <p>4 Chemical.</p> <p>5 Q. Have you ever served in law enforcement</p> <p>6 or anything like that?</p> <p>7 A. No, sir.</p> <p>8 Q. Okay. I'm going to show you one more</p> <p>9 video in just a portion of it. Give me a second.</p> <p>10 I'm going to share my screen. Do you see a still</p> <p>11 image of a video, Mr. Mattos?</p> <p>12 A. Yes, sir.</p> <p>13 Q. Okay. And it says cam five on the</p> <p>14 bottom left?</p> <p>15 A. Yes, sir.</p> <p>16 Q. Okay. And then the top left. I'm just</p> <p>17 going to read in the first part of this title, it</p> <p>18 says, "XVR_CH5." Do you recognize the area shown</p> <p>19 in this video over the still image, Mr. Mattos?</p> <p>20 A. Yes, sir.</p> <p>21 Q. Okay. Is this looking down --</p> <p>22 A. South.</p> <p>23 Q. Which direction, Mr. Mattos?</p> <p>24 A. Southbound.</p>

<p style="text-align: right;">Page 38</p> <p>1 Q. Southbound. And which street is on the 2 left?</p> <p>3 A. That is Kennedy Street.</p> <p>4 Q. Okay. Is this looking down --</p> <p>5 A. The long street is Edom street. Yes.</p> <p>6 Q. Edom, okay. So we're looking, would it 7 be -- that we're looking southbound down, Edom?</p> <p>8 A. Yes, sir.</p> <p>9 Q. Okay. And were you standing somewhere 10 in the background of this picture. Well, is your 11 house somewhere down that street on the left?</p> <p>12 A. Yes, sir. In the top left hand behind 13 the tree. I'm in that area.</p> <p>14 Q. Okay. I will submit to you that this 15 video shows that one of the interactions that I 16 believe you described. So the parking lot we see 17 in the back of the picture, is that where your 18 son was when you sort of crossed the street with 19 that what I believe was window was fluid for your 20 car?</p> <p>21 A. Yes.</p> <p>22 Q. Okay, I'm going to hit play, and I 23 think we'll see your son's car in the background, 24 and let's see if we can confirm that.</p>	<p style="text-align: right;">Page 40</p> <p>1 Q. Okay. Does that jog your memory, that 2 this is actually the first time you saw them?</p> <p>3 A. Yes.</p> <p>4 Q. Okay. I'm going to hit play. I'm just 5 going to ask you sort of basically one simple 6 question, which is that after watching this 7 video, well, let me hit play first. All right. 8 Correct me if I'm wrong. What that interaction 9 just showed was the police vehicle and the 10 scooter sort of driving side by side on Edom. Is 11 that correct?</p> <p>12 A. Yes.</p> <p>13 Q. The police vehicle did move to the 14 right, and both the police vehicle and the 15 scooter slowed down a lot. Is that correct?</p> <p>16 A. Yes.</p> <p>17 Q. And then the scooter drove up onto the 18 sidewalk into the parking lot. Is that correct?</p> <p>19 A. Yes.</p> <p>20 Q. And now you see that the scooter is 21 actually sort of driving the opposite direction 22 in the parking lot. Is that correct?</p> <p>23 A. Yes.</p> <p>24 Q. And actually, let me hit play for a</p>
<p style="text-align: right;">Page 39</p> <p>1 A. Yes, sir. You could see his car 2 backing now.</p> <p>3 Q. Okay, so there's a car that just was 4 backing up and now is actually facing towards us 5 in the background. Is that your son's car?</p> <p>6 A. Yes, sir.</p> <p>7 Q. Okay, I'm now just going to play 8 through the interaction that I believe you 9 described. I believe you were asked by Mr. Levin 10 if the police car's actions caused Mr. Miller to 11 drive over the sidewalk. Do you remember 12 answering that?</p> <p>13 A. Yes. But this is after that 14 interaction.</p> <p>15 Q. It is after?</p> <p>16 A. Yes.</p> <p>17 Q. Let me hit play anyways, let's make 18 sure that.</p> <p>19 A. Okay.</p> <p>20 Q. All right. We see, I just paused very 21 quickly. We see a scooter and a part of a white 22 vehicle now on the left. Do you see that, Mr. 23 Mattos?</p> <p>24 A. Yes.</p>	<p style="text-align: right;">Page 41</p> <p>1 little bit longer. The scooter then drove up, 2 sort of over a small median into another parking 3 lot and then exited onto Edom street. Is that 4 correct?</p> <p>5 A. Yes.</p> <p>6 Q. Okay. My only question is, based on 7 what you just saw from that video, have you ever 8 seen this video before, Mr. Mattos?</p> <p>9 A. No, sir.</p> <p>10 Q. Okay. Based on what you see in that 11 video, when Mr. Miller drove up onto the sidewalk 12 into that parking lot, is it your understanding 13 he did that in order to avoid running into the 14 police vehicle, or did he do that in order to 15 just get away from the police vehicle?</p> <p>16 A. to avoid being a collision.</p> <p>17 Q. Okay. You believe he did that turn to 18 avoid the collision?</p> <p>19 A. Yes.</p> <p>20 Q. Okay. I just want to bring that back 21 one more time. Let me see if I can, and I can't 22 this video. Okay. Yeah, I'm having trouble 23 offering this video. All right. But that's 24 based on you viewing this video, is that correct,</p>

<p style="text-align: right;">Page 42</p> <p>1 Mr. Mattos?</p> <p>2 A. Yes, sir.</p> <p>3 Q. Okay. And your recollection from the</p> <p>4 event when it happened?</p> <p>5 A. Yes.</p> <p>6 Q. And you'd agree with me when it</p> <p>7 happened, you were actually looking the opposite</p> <p>8 direction from the perspective of this video, is</p> <p>9 that correct?</p> <p>10 A. I was looking towards where these cars</p> <p>11 right here are.</p> <p>12 Q. You were looking towards them? like</p> <p>13 from --</p> <p>14 A. Right, like that direction.</p> <p>15 Q. Let me phrase it this way. You're</p> <p>16 looking, the way we're viewing this video, you'd</p> <p>17 actually be looking towards us. Is that correct?</p> <p>18 A. Yes.</p> <p>19 Q. Okay.</p> <p>20 A. I was looking towards the SUV's front</p> <p>21 bumper.</p> <p>22 Q. The police SUV?</p> <p>23 A. The police SUV, yes.</p> <p>24 Q. Excellent. Give me one quick second.</p>	<p style="text-align: right;">Page 44</p> <p>1 Q. Okay. And the scooter is then just</p> <p>2 sort of turning right onto the sidewalk, is that</p> <p>3 correct?</p> <p>4 A. Yes.</p> <p>5 Q. Okay. I guess you would agree with me</p> <p>6 that the scooter certainly didn't show any signs</p> <p>7 of wanting to stop for that police vehicle. Is</p> <p>8 that correct?</p> <p>9 A. Well, during the whole chase, he did</p> <p>10 slow down.</p> <p>11 Q. Who did?</p> <p>12 A. The scooter.</p> <p>13 Q. Okay.</p> <p>14 Q. Did he ever stop, though?</p> <p>15 A. No, sir.</p> <p>16 Q. Okay.</p> <p>17 MR. KANE: Those are all my</p> <p>18 questions. There might be some follow ups</p> <p>19 from Mr. Levin. And let me again express my</p> <p>20 gratitude for your time. And again, we</p> <p>21 apologize for having to sort of bring this</p> <p>22 event up to you again, so far after it. But</p> <p>23 let me pass you over to Mr. Levin, all</p> <p>24 right?</p>
<p style="text-align: right;">Page 43</p> <p>1 I'm just going to show that video one more time.</p> <p>2 All right. I am once again showing the same</p> <p>3 video as shown before. XVR_CH5. I'm going to</p> <p>4 hit play again. Can you see this video, Mr.</p> <p>5 Mattos?</p> <p>6 A. Yes, sir.</p> <p>7 Q. Okay. And my question again is just</p> <p>8 going to be about the behavior of both Mr. Miller</p> <p>9 and the police vehicle. All right. The police</p> <p>10 vehicle and the scooter just sort of arrived in</p> <p>11 the frame on the left. Is that correct, Mr.</p> <p>12 Mattos?</p> <p>13 A. Yes, sir.</p> <p>14 Q. And for the record, we're about 20</p> <p>15 seconds in. I'm going to hit play again. You'd</p> <p>16 agree with me at this point, it's a little bit</p> <p>17 hard to see, but the scooter is sort of, it's</p> <p>18 actually hard to see what's happening right now.</p> <p>19 Is that correct, Mr. Mattos?</p> <p>20 A. From this, yes. But you can see the --</p> <p>21 Q. I apologize, Mr. Mattos, you can</p> <p>22 answer.</p> <p>23 A. You can see the SUV in front of the</p> <p>24 scooter.</p>	<p style="text-align: right;">Page 45</p> <p>1 THE WITNESS: Yes.</p> <p>2 MR. LEVIN: All right. I just</p> <p>3 have a very couple of questions.</p> <p>4 - - -</p> <p>5 EXAMINATION</p> <p>6 - - -</p> <p>7 BY MR. LEVIN:</p> <p>8 Q. We've already sort of gone through the</p> <p>9 police SUV during that maneuver where the scooter</p> <p>10 ends up going into the parking lot, had gotten</p> <p>11 slightly out ahead of the scooter, and then made</p> <p>12 a sharp right turn, correct?</p> <p>13 A. Yes.</p> <p>14 Q. And if Ryan had continued straight</p> <p>15 without also turning right, which you believe he</p> <p>16 did, to avoid collision, there would have been</p> <p>17 impact between the vehicles, correct?</p> <p>18 MR. KANE: Object to the form.</p> <p>19 THE WITNESS: I'm sorry.</p> <p>20 BY MR. KANE:</p> <p>21 Q. That's okay. And I realize you can't</p> <p>22 get inside anybody's head, but I mean, obviously</p> <p>23 you can observe what's ahead of you and draw</p> <p>24 whatever conclusion you're going to draw from</p>

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1 what you see. Did it seem to you when the  
 2 officer made that maneuver because he was  
 3 intending to cause contact, as opposed to trying  
 4 to get Ryan to pull over into that lot?

5 A. Yes --

6 MR. KANE: Objection.

7 BY MR. LEVIN:

8 Q. Could you repeat your answer because  
 9 you were both talking at the same time?

10 A. Yes.

11 Q. And having viewed that video that was  
 12 taken from that parking lot that you just saw,  
 13 you had not seen that before today's deposition,  
 14 right?

15 A. No, sir.

16 Q. Did anything about that video change  
 17 your impression about what had transpired during  
 18 that maneuver?

19 A. No, sir.

20 MR. LEVIN: All right. I don't  
 21 have anything further. Thank you.

22 MR. KANE: Nothing further. Thank  
 23 you so much for your time, Mr. Mattos.

24 THE WITNESS: You're welcome.

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1 CERTIFICATE OF DIGITAL REPORTER

2

3 I, TIA PIERRE, a Digital Reporter and Notary  
 4 Public within and for the State of Pennsylvania,  
 5 do hereby certify:

6

7 That the foregoing proceeding herein before  
 8 set forth was accurately captured with  
 9 annotations by me during the proceeding.

10

11 I further certify that I am not related to  
 12 any of the parties to this action by blood or  
 13 marriage, and that I am in no way interested in  
 14 the outcome of this matter.

15

16 IN WITNESS THEREOF, I have hereunto set my  
 17 hand this 15th day of December, 2023.

18

19   
 20 \_\_\_\_\_

21

Tia Pierre

22 Notary Commission FL HH 216931

Commission Expires: January 17, 2026

23

24

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1 MR. LEVIN: All right, we are  
 2 done. Ms. Pierre, do you need anything else  
 3 from Mr. Mattos?

4 THE REPORTER: Not at the moment,  
 5 no. He's free to go.

6 MR. LEVIN: All right. Thank you  
 7 so much, sir. We appreciate your time.

8 THE WITNESS: Thank you.

9 THE REPORTER: Let me call us off  
 10 the record officially. We are now off the  
 11 record. The time is 1:44 p.m.

12 (Proceedings concluded at 1:44 p.m.)

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